

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GRISELDA BIELINSKI and MARIO PARDO,

07 Civ. 11636 (SS)(JCF)

Plaintiffs,

DECLARATION OF MARIO  
PARDO IN OPPOSITION  
TO MOTION FOR  
SUMMARY JUDGMENT

- against -

HOTEL PIERRE,

Defendant.

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Mario Pardo declares, under penalty of perjury, as follows:

1. I am one of the plaintiffs in this action.
2. It is my belief, based on more than 20 years of work as a Banquet Server at the Hotel Pierre, that Banquet Captains are part of management. They supervise servers, set the hours of servers, determine the work assignments of servers, and critique the work of servers.
3. Jay Laut did not become a full-time employee of the Pierre until 2005, when he became an "A List" waiter. All of his previous work was part-time, sporadic work as a relief, or part-time waiter, working off of what is known as the "B List."
4. Jay Laut announced his appointment to the Banquet Captain position on March 17, 2007, before I received my second interview for the position. I complained around March 19, 2007 in writing (Exhibit F) and in person. Nevertheless, on March 21, Mr. Laut was given a Captain's tuxedo, put on the Captains' schedule, and worked as a Captain.
5. In the February Development Reviews (see Exhibits I – K), my ratings from my supervisors for my work actually done was better than the ratings received by Mr. Laut.

Dated: New York, New York  
September 8, 2008



Mario Pardo  
Mario Pardo

**EXHIBIT F**

## EXHIBIT

PIIB: 5

4-29-08 11

MARCH 2007

MR HEIKO KEUNSTKE

GENERAL MANAGER, PIERRE HOTEL

MS. IVONE MANCINI

DIRECTOR HUMAN RESOURCE

FROM:-

ALL BANQUET Employee's IS VERY UPSET & FELT DISCRIMINATED, ABOUT THE UNFAIR DECISION FOR THE PROMOTION ← →

BECAUSE THERE IS Employee WITH 21 YEARS OVER WITH LOYAL SERVICE, GOOD RECORD, NIGHTS & DAYS, MORE TIME HERE, THAN THERE Family's ALSO WITH THOSE ANNUAL SURVEY, YEARS AFTER YEARS / WITH VARIOUS DEPARTMENT HEADS (WHAT THAT SUPPOSE TO MEANS A 3 YEARS Employee V/S 21 YEARS SERVICE BECAUSE OF AGE, RACE, BACKGROUND OR LOOKS, MUST BE SOME-SHORT DISCRIMINATION!)

2) FURTHERMORE! THE EXISTING CAPTAINS "WHO IS SO CALL SHORSTEWARD" IS DECIDING (WITH WHO, THEY WANT TO WORK WITH BECAUSE HE HAVE CONNECTION WITH EXECUTIVE BOARD IN Union OFFICE, TO GAIN POWER & BACK-UP, BY IMPOSING WHO SHOULD BE PROMOTED FOR THE POSITION, BECAUSE OF DELEGATE OR EX-DELEGATE, WHICH HAVE NO BEARING, BECAUSE ARE CHANGES EVERY YEAR, ON DELEGATES -

WHICH REFLECT STRONGLY ON MANAGEMENT IS GIVING PREFERENCE BY CREATING A CONFLICT OF INTEREST.

3/ WITH HIGH RESPECT TO OUR G.M AND HUMAN RESOURCE DEPARTMENT

D0244

WE ASK TO RE-CONSIDER (ALSO IN THE PAST BEFORE, WITH  
FOUR SEASONS, THE SAME CAPTAINS PULL THE TRICK, WE ARE A  
T.A.T FRANCHY, WE ALL WANT TO BE TREATED FAIR.

Sir,

WE THANK YOU! WE DO NOT WANT TO MEET THE  
COMMISSION OFFICE FOR JUSTICE!

Respectfully, Yours,

## **EXHIBIT I**

ENTERED



*The Pierre*  
New York

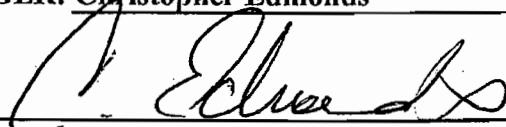
A Taj Hotel

**EMPLOYEE DEVELOPMENT REVIEW**

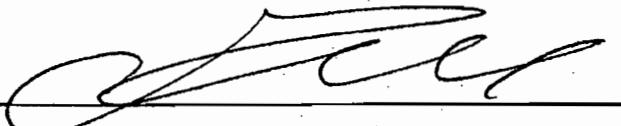
NAME: Griselda Bielinski

SIGNATURE: 

REVIEWING MANAGER: Christopher Edmonds

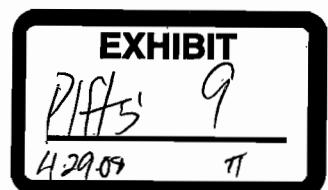
SIGNATURE: 

DIVISION HEAD: Gerard Madani



DATE OF REVIEW: 2/13/07

TIME IN THIS POSITION: \_\_\_\_\_



D0019

**Part 1. Situation Overview**

*Comment on any factors affecting the employee or the department, which should be borne in mind when examining this review:*

**Part 2. Achievements**

*Comment on any specific employee achievements since the last review:*

**Part 3. Review of the Employee Skills**

<i>Area of Review</i>	<i>Below Expectations</i>	<i>Meets Expectations</i>	<i>Exceeds Expectations</i>
<b>A. Getting Things Done</b>			
1. Takes Responsibility for Getting work done.			<b>X</b>
2. Follows up; Completes the job.		<b>X</b>	
3. Finishes the job on time.		<b>X</b>	
4. Organizes own work effectively.		<b>X</b>	
5. Works with minimal supervision.		<b>X</b>	
<b>B. Problem Solving</b>			
1. Knows when to take action without being told.		<b>X</b>	
2. Asks for help as appropriate.		<b>X</b>	
3. Sets appropriate priorities.		<b>X</b>	
4. Stays objective in trying situations.		<b>X</b>	
<b>C. Good Judgement</b>			
1. Understands the Departmental Objectives.		<b>X</b>	
2. Complies with Safety Procedures.		<b>X</b>	
3. Efficiently uses hotel equipment.		<b>X</b>	
4. Controls waste of hotel supplies.		<b>X</b>	
5. Maintains a neat work area.		<b>X</b>	

<b>D. Desire for Excellence</b>		<b>Below Expectations</b>	<b>Meets Expectations</b>	<b>Exceeds Expectations</b>
1. Follows up on details.			X	
2. Does things right the first time.			X	
3. Shows pride in extending service.			X	
4. Strives to meet guest(s) needs.			X	
5. Observes hotel procedures.			X	
6. Demonstrates Taj philosophy & values.			X	

<b>Area of Review</b>	<b>Below Expectations</b>	<b>Meets Expectations</b>	<b>Exceeds Expectations</b>
<b>E. Flexibility</b>			
1. Quickly adapts to changes.		X	
2. Maintains poise and composure.		X	
3. Handles criticism and pressure.		X	
4. Open to the views of others.		X	
5. Handles competing priorities.		X	
<b>F. Team Player</b>			
1. Has dependable attendance.		X	
2. Cooperates with other staff.		X	
3. Understands the Big Picture.		X	
4. Pitches in to help others.		X	
5. Communicates well with co-workers.		X	
<b>G. Interpersonal Skills</b>			
1. Has the trust of co-workers.		X	
2. Shows consideration for others.		X	
3. Is friendly to guests and staff.			X
4. Treats others with respect.		X	
5. Listens to what others have to say.		X	
6. Is fair with others.		X	

H. Specific Job Skills			
1. Knows all parts of the job.		X	
2. Does high quality of work.		X	
3. Consistently meets all standards.		X	
4. Exhibits appropriate grooming.		X	
OVERALL RATING		X	

Part 4.      Summary

*What are the employees strong points?*

*-Always willing to work extra.  
-GG is very personable with all guests.*

*What areas need improvement?*

**Improve Service Consistency for all staff.**

Part 5.      Career Planning

*What other positions, if any appear to be a reasonable next move for this employee?*

*GG is a strong candidate for the position of Banquet Captain.*

*Special training required or development planned to help achieve the employee's goals?*

**Attend Mandatory Training Sessions during Spring 2007, with the intention to improve all Banquet Service Standards.**

**Part 6: Employee Comments or Suggestions:**

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## **EXHIBIT J**



*The Pierre* ENTERED  
New York

A Taj Hotel

**EMPLOYEE DEVELOPMENT REVIEW**

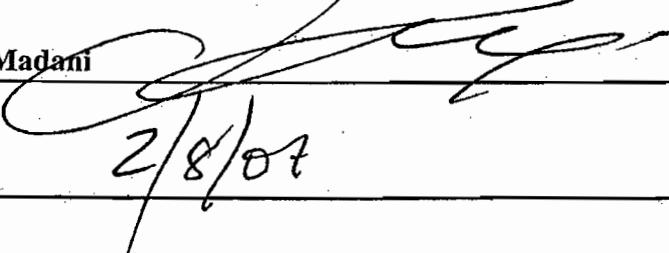
NAME: Mario Pardo

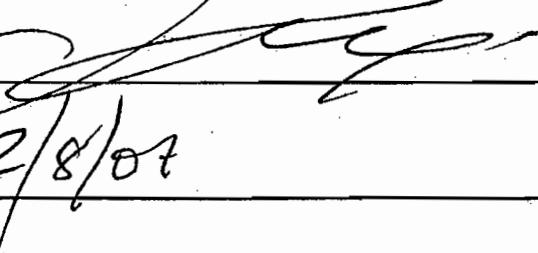
SIGNATURE: 

REVIEWING MANAGER: Christopher Edmonds

SIGNATURE: 

DIVISION HEAD: Gerard Madani

DATE OF REVIEW:   
2/8/07

TIME IN THIS POSITION: 



D0068

**Part 1. Situation Overview**

*Comment on any factors affecting the employee or the department, which should be borne in mind when examining this review:*

The Banquets department is continuing to build on the increased business for 2007 and is building on expectations due to the renovations in banquets. In respect to the past year, due to the renovations, we lost some business due to the fact that Sales was unable to book due to the pending and completed renovations. We lost some business during the first quarter when guest rooms were tentatively to be renovated and then the banquet rooms when renovations took place during August, the beginning of September and the end of December. The outlook for the future seems excellent with the Plaza still closed and the closing of several other competitors in the immediate area.

We will build on the individual training of each of our staff members in respects to their specific needs and how it will keep up with the core standards for Taj. In turn our associates will learn and grow within the Taj to bettering themselves while providing our guests with exceptional service.

We foresee a very strong future for the banquet department in every aspect. We are very pleased with the renovations, and look forward to the renovations of the guest rooms expecting this to help increase the amount of corporate and group booking and will help bring back some of our old clientele. We are anxious for the overall renovation project for the entire hotel, as it will only help increase our overall revenue.

**Part 2. Achievements**

*Comment on any specific employee achievements since the last review:*

**Part 3. Review of the Employee Skills**

<i>Area of Review</i>	<i>Below Expectations</i>	<i>Meets Expectations</i>	<i>Exceeds Expectations</i>
<b>A. Getting Things Done</b>			
1. Takes Responsibility for Getting work done.			X
2. Follows up; Completes the job.		X	
3. Finishes the job on time.		X	
4. Organizes own work effectively.		X	
5. Works with minimal supervision.			X
<b>B. Problem Solving</b>			

1. Knows when to take action without being told.		X	
2. Asks for help as appropriate.		X	
3. Sets appropriate priorities.		X	
4. Stays objective in trying situations.		X	
<b>C. Good Judgement</b>			
1. Understands the Departmental Objectives.			X
2. Complies with Safety Procedures.		X	
3. Efficiently uses hotel equipment.		X	
4. Controls waste of hotel supplies.		X	
5. Maintains a neat work area.		X	
<b>D. Desire for Excellence</b>			
1. Follows up on details.			X
2. Does things right the first time.		X	
3. Shows pride in extending service.			X
4. Strives to meet guest(s) needs.		X	
5. Observes hotel procedures.		X	
6. Demonstrates Taj philosophy & values.		X	

<i>Area of Review</i>	<i>Below Expectations</i>	<i>Meets Expectations</i>	<i>Exceeds Expectations</i>
<b>E. Flexibility</b>			
1. Quickly adapts to changes.		X	
2. Maintains poise and composure.			X
3. Handles criticism and pressure.		X	
4. Open to the views of others.			X
5. Handles competing priorities.		X	
<b>F. Team Player</b>			
1. Has dependable attendance.		X	

2. Cooperates with other staff.		X	
3. Understands the Big Picture.		X	
4. Pitches in to help others.		X	
5. Communicates well with co-workers.		X	
<b>G. Interpersonal Skills</b>			
1. Has the trust of co-workers.			X
2. Shows consideration for others.		X	
3. Is friendly to guests and staff.		X	
4. Treats others with respect.			X
5. Listens to what others have to say.		X	
6. Is fair with others.		X	
<b>H. Specific Job Skills</b>			
1. Knows all parts of the job.			X
2. Does high quality of work.			X
3. Consistently meets all standards.		X	
4. Exhibits appropriate grooming.		X	
<b>OVERALL RATING</b>		X	

**Part 4. Summary**

*What are the employees strong points?*

*Mario is the assistant delegate*

*Has a tremendous amount of knowledge for booking standards and procedures.*

*Very helpful to management*

*What areas need improvement?*

**Improve Service Consistency for all staff.**

*Being an elder statesman, Mario needs to lend his guidance and influence in directing his coworkers.*

**Part 5. Career Planning**

*What other positions, if any appear to be a reasonable next move for this employee?*

*Special training required or development planned to help achieve the employee's goals?*

**Attend Mandatory Training Sessions during Spring 2007, with the intention to improve all Banquet Service Standards.**

**Part 6: Employee Comments or Suggestions:**

## **EXHIBIT K**

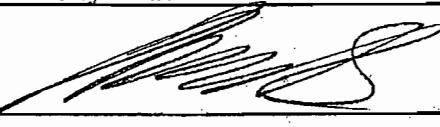
ENTERED

*The Pierre*  
New York

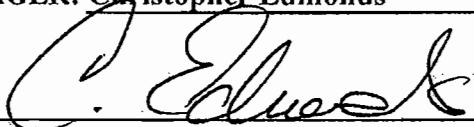
A Taj Hotel

**EMPLOYEE DEVELOPMENT REVIEW**

NAME: Jay Laut

SIGNATURE: 

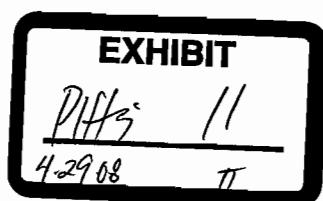
REVIEWING MANAGER: Christopher Edmonds

SIGNATURE: 

DIVISION HEAD: Gerard Madani

DATE OF REVIEW: 2/13/07

TIME IN THIS POSITION: \_\_\_\_\_



D0115

***Part 1. Situation Overview***

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*Comment on any factors affecting the employee or the department, which should be borne in mind when examining this review:*

. The Banquets department is continuing to build on the increased business for 2007 and is building on expectations due to the renovations in banquets. In respect to the past year, due to the renovations, we lost some business due to the fact that Sales was unable to book due to the pending and completed renovations. We lost some business during the first quarter when guest rooms were tentatively to be renovated and then the banquet rooms when renovations took place during August, the beginning of September and the end of December. The outlook for the future seems excellent with the Plaza still closed and the closing of several other competitors in the immediate area.

We will build on the individual training of each of our staff members in respects to their specific needs and how it will keep up with the core standards for Taj. In turn our associates will learn and grow within the Taj to bettering themselves while providing our guests with exceptional service.

We foresee a very strong future for the banquet department in every aspect. We are very pleased with the renovations, and look forward to the renovations of the guest rooms expecting this to help increase the amount of corporate and group booking and will help bring back some of our old clientele. We are anxious for the overall renovation project for the entire hotel, as it will only help increase our overall revenue.

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***Part 2. Achievements***

*Comment on any specific employee achievements since the last review:*

*Part 3. Review of the Employee Skills*

<i>Area of Review</i>	<i>Below Expectations</i>	<i>Meets Expectations</i>	<i>Exceeds Expectations</i>
<b>A. Getting Things Done</b>			
1. Takes Responsibility for Getting work done.			<b>X</b>
2. Follows up; Completes the job.			<b>X</b>
3. Finishes the job on time.		<b>X</b>	
4. Organizes own work effectively.		<b>X</b>	
5. Works with minimal supervision.		<b>X</b>	
<b>B. Problem Solving</b>			
1. Knows when to take action without being told.		<b>X</b>	
2. Asks for help as appropriate.		<b>X</b>	
3. Sets appropriate priorities.		<b>X</b>	
4. Stays objective in trying situations.		<b>X</b>	
<b>C. Good Judgement</b>			
1. Understands the Departmental Objectives.		<b>X</b>	
2. Complies with Safety Procedures.		<b>X</b>	
3. Efficiently uses hotel equipment.		<b>X</b>	
4. Controls waste of hotel supplies.		<b>X</b>	
5. Maintains a neat work area.			<b>X</b>
<b>D. Desire for Excellence</b>			
1. Follows up on details.		<b>X</b>	
2. Does things right the first time.		<b>X</b>	
3. Shows pride in extending service.			<b>X</b>
4. Strives to meet guest(s) needs.			<b>X</b>
5. Observes hotel procedures.		<b>X</b>	
6. Demonstrates Taj philosophy & values.		<b>X</b>	

<i>Area of Review</i>	<i>Below Expectations</i>	<i>Meets Expectations</i>	<i>Exceeds Expectations</i>
<b>E. Flexibility</b>			
1. Quickly adapts to changes.		X	
2. Maintains poise and composure.			X
3. Handles criticism and pressure.		X	
4. Open to the views of others.		X	
5. Handles competing priorities.		X	
<b>F. Team Player</b>			
1. Has dependable attendance.		X	
2. Cooperates with other staff.		X	
3. Understands the Big Picture.		X	
4. Pitches in to help others.		X	
5. Communicates well with co-workers.		X	
<b>G. Interpersonal Skills</b>			
1. Has the trust of co-workers.		X	
2. Shows consideration for others.			X
3. Is friendly to guests and staff.			X
4. Treats others with respect.		X	
5. Listens to what others have to say.		X	
6. Is fair with others.		X	
<b>H. Specific Job Skills</b>			
1. Knows all parts of the job.		X	
2. Does high quality of work.			X
3. Consistently meets all standards.		X	
4. Exhibits appropriate grooming.		X	
<b>OVERALL RATING</b>		X	

Part 4.      Summary

*What are the employees strong points?*

*Jay is currently the banquet delegate.*

*He is very helpful to his partner and helps when there is a lack of communication on his behalf.*

*Jay is very considerate and always helps the guests.*

*What areas need improvement?*

**Improve Service Consistency for all staff.**

*Jay needs to lend his experience and say as a delegate to communicate the needs of the management.*

Part 5.      Career Planning

*What other positions, if any appear to be a reasonable next move for this employee?*

*T.B.D.*

*Special training required or development planned to help achieve the employee's goals?*

**Attend Mandatory Training Sessions during Spring 2007, with the intention to improve all Banquet Service Standards.**

**Part 6: Employee Comments or Suggestions:**